

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MOHAMMED A TIPOO,
on behalf of himself and the class

Case No.:11-cv-6046(RJS) (GWG)

ECF CASE

Plaintiff,

v.

COHEN & SLAMOWITZ, LLP

Defendant.

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DECLARATION OF ATTORNEY SHIMSHON WEXLER

I, SHIMSHON WEXLER, hereby state as follows:

1. That I am over 18 years of age and if called to testify would affirmatively state the matters as follows.
2. That I am the plaintiff's attorney in the above captioned matter.
3. That plaintiff was offered complete relief via a Offer of Judgment which gave him \$1,200. In addition, the Offer of Judgment included reasonable attorney's fees and costs.
4. I agreed with the defendant's attorney Wendy Shepps that the entire liability for the defendant would be \$3,000.
5. This meant that plaintiff would get \$1,200 as that was the judgment offered and I was to get \$1,800.
6. After the plaintiff allowed me to accept the offer of judgment, he fired me stating that he no longer wanted me on the case unless I was able to get additional relief for him.

7. The additional relief that plaintiff was seeking, namely to have his judgment vacated, was never contemplated and the retainer agreement specifically excludes other non-FDCPA work.

8. The plaintiff never paid me.

9. Plaintiff fired me despite the fact that he had previously agreed to accept the \$1,200 for the settlement of the case.

10. I am sending this declaration, along with the motion for withdrawal as attorney and for a charging lien along with the proposed order to the plaintiff via first class mail and email.

I declare under the penalty of perjury that the foregoing is true and correct.



Shimshon Wexler

Executed on January 9th, 2012